
**CITY OF HIGHLAND HEIGHTS
MINUTES OF A COUNCIL MEETING
HELD: JUNE 9, 2009**

President of Council Mills presiding.

PRESENT: Mayor Coleman; Councilmen Anderson, Hargate, Legan, Lombardo, Mills, Murphy, Pilla; Clerk of Council Buchak; Fire Chief Turner; Police Chief Cook; Service Director Evans; Assistant Building Commissioner Austin; City Engineer Hovancsek; Finance Director Ianiro; Law Director Paluf.

ACTION ON MINUTES: The reading of the Minutes of a Council Meeting held May 26, 2009 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Anderson. Ayes all; motion carried.

DEPARTMENT HEAD REPORTS:

Fire Chief's Report: Chief Turner reported as follows:

- For the month of May the Fire Department responded to 172 calls.
- On June 27th from 10 a.m. to 1 p.m. the Fire Department will be offering another CPR First Aid Class for residents and employees in the City of Highland Heights.

Police Chief's Report: Chief Cook reported as follows:

- About a week ago their two 911 emergency lines went down and service was transferred to Mayfield Village. It was a problem with AT&T and took a couple days to fix. They didn't lose any calls and everything did go smoothly by transferring the service to Mayfield Village.
- For the Month of May the Police Department responded to 897 calls for service and they handled 13 motor vehicle accidents four of which involved personal injuries. Also they responded to 55 residential alarms. For the month, 18 prisoners were held in their jail facility for a total of approximately 400 hours.
- Chief Cook stated he was pleased to see in the June issue of Cleveland Magazine in the article, "Rating the Suburbs", that out of 56 suburbs, Highland Heights placed No.5 for Safety. He received a couple letters from residents complementing the department and has forwarded the letters to the Mayor's office.

Mr. Legan advised a couple residents pointed out to him that people are traveling westbound on Ridgebury cutting across from Highland Heights to Lyndhurst.

Service Director's Report: Service Director Evans reported as follows:

- The street sweeper has been repaired and is back in service with a new motor. They are pleased to see that important piece of equipment back on the road.

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- Brush Collection continues through Friday, June 12th. The collections are at over 900 stops so far and don't appear to be slowing down. That program is going very well.
- Board of Health – Mosquitoes. Notice was received from the Board of Health that their coordinated drop for mosquitoes was done last week. In this drop they treat the catch basins that retain water with a larvacide block to prevent growth of mosquitoes.
- Illuminating Co.'s Aerial Inspection of lines. An email from the Illuminating Co. regarding an aerial inspection of their lines was forwarded to the Mayor and Council. A helicopter will be in the area looking at their lines from the top side from June 9th through the 18th.
- Ridgebury Boulevard. In a progress meeting last week it was learned that the contractor is on schedule. They plan to switch traffic to the south side of the road beginning this Saturday with construction on the north side. Traffic will continue to move one way eastbound. They are in discussion with the contractor about continuing this project to the east of Lander Road to SOM this year. The County has not agreed to that yet but they haven't said no. There is discussion between Mayfield Village and Mayfield Heights about how this affects traffic. The current concern is the traffic on Mayfield Road with the construction near the interchange and Mayfield Heights doesn't want to add any congestion to that. They are expecting that situation to improve within the next few weeks. Mayfield Village has a large project planned on Wilson Mills, replacing a culvert next year so they would like to see the Ridgebury project completed this year. They are all working together to try to not bottleneck traffic any more in this area of the county than necessary but there are competing concerns.
- Agenda Item No 2 is award of the street striping contract which was discussed in the committee of the whole.
- Agenda Item No. 3 is housekeeping. A couple weeks ago the Mayor received Council's authority to apply for funding for a NOACA project for Miner Road. The resolution on the agenda is a formality that lets NOACA know that the Mayor and Council are in agreement about moving forward with that plan. City Engineer Hovancsek prepared that document and can answer any questions.

Mayor Coleman added that the Federal Funds that they anticipate receiving are administered through NOACA. That is why NOACA has to be on notice for the city to receive that funding. He suggested approval of that legislation this evening.

Mr. Mills asked about the city sign on Wilson Mills Road near Alpha Drive. Mr. Evans advised they have the sign and have been waiting for the construction to quiet down in that area. They will be installing that sign as well as the sign on Highland Road soon.

Mr. Mills asked if they sweep streets without curbs. Mr. Evans advised yes, if there is a need; generally with enough rain it kind of takes care of itself.

In response to Mrs. Murphy's inquiry regarding the street sign replacement project, Mr. Evans reported they have completed their second order for the program and all the main streets are completed. Their next order will be to work into the side streets. That will probably be late summer or early fall. They are hoping to break off of brush collection and start getting into doing more road repair on the side streets and things that they want to focus on over the next several weeks in the summer. In that time they will also place their next order for side street signs.

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Building Commissioner's Report: Assistant Building Commissioner Austin reported

- Aberdeen Commons assisted living facility on Bishop Road. Construction is winding down and they are looking for their occupancy permit which will be issued toward the end of June. He talked with Terry Thorpe from Whipple Allen, the contractor, about having Council possibly do a walk thru there. He will forward any information on that to Council.
- Aberdeen Commons Landscaping. A re-submittal has been received because they found that a lot of the planting they had planned ends up being deer food. That plan should be received by the end of the week for the Landscape Architect to review.
- Osborne Capital Group is going to resubmit a new set of plans for the mound of dirt behind the old Syms building that butts up against I-271. They submitted a set of plans but it didn't locate the tank battery and the well and other areas in the back. The City Engineer asked for more detailed plans to show exactly what they are doing there. Once the plans are received, they will go to P&Z and the City Engineer for review.
- Mr. Austin requested Council schedule discussion in a future committee of the whole regarding cutting grass on the entire parcel of an undeveloped lot.
- Home Days. Council was requested to approve Agenda Item No. 5, so the liquor permit can be obtained for the Home Days Event. That contract has been signed and sent to the state. Arrabiata is doing that again as they have for the last four years.

Mrs. Murphy requested an update on residential gas wells. Mr. Austin stated he does not have any new information from ODNR regarding any new permits. The understanding is that they will notify the city when permits are issued. Mr. Austin advised that with the Dasher well the building department did not receive notification. So he called the State Inspector and advised the city did not have any plans on that. They held off drilling until the following Friday when the city received the plans. That is one of the items that Shawn Logan talked about -- expanding the 20 days currently that ODNR permits to 31 days.

In response to Mr. Mills' inquiry regarding planting of grass on the property of the former KinderCare project on Miner Road, Mr. Austin stated he is going to write a letter to them. He also advised that the City Engineer will be involved because there are erosion controls that have to be in place when that property is let go for thirty days. Mr. Austin also advised that this situation is different in that a permit has been issued that is good for one year.

City Engineer's Report: City Engineer Hovancsek reported

- Highland-Bishop Intersection Project. The final fee request has not been received from Tri Mor. The pedestrian signal head at the southwest corner was hit again and they are reviewing the location with the traffic designer to see if there can be some change made to that.
- Highland Pedestrian Project. This project is completed. C.A. Agresta Company will be working on the additional quantities and extras as will Hovancsek and Associates. Discussion in a committee of the whole meeting was requested to discuss the extra costs in detail. There were no reserve quantities added to the project because it was a Federal project.

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- Community Park Improvements. A meeting is scheduled for this Thursday at the park with Martin Enterprises to resolve the outstanding issues in the Community Park.
- Street Striping Bids have been received. The recommendation is to award the bid to Pat Flowers, Inc. as the low bidder.
- The 2009 Street Resurfacing Project is currently being designed. They hope to have that advertised for bids shortly.
- The 2009 Sidewalk Project is currently being worked on. They started that program last week.
- The Miner Road legislation as done by the engineer has been completed and submitted to the city.
- The Old Pool Building Renovation. The City Engineer has reviewed the plan rather quickly and thinks there should be a topo for the area around the building and the utility and storm sewer that they talked about should be added.
- The Osborne Land Group. They reviewed their plans initially on their mounding and everything around the building and raised several issues; the plans are to be resubmitted. What they have now is totally not acceptable.

Council President Mills noted that memos received this week from the office of Stephen Hovancsek & Associates were all signed by Brian Mader and asked if he was the city's point person when Mr. Hovancsek is not available. Mr. Hovancsek stated, yes, Brian Mader is the point person if Mr. Hovancsek is not available. Mr. Hovancsek further advised he was out of town and just returned.

Mr. Mills then asked the status of the traffic study for the intersection of Wilson Mills and Bishop Roads. Mr. Hovancsek advised that study is being completed by TMS Engineers, Inc.; it is in process and a report is expected to be completed within one or two weeks.

Finance Director's Report: No report. Finance Director Ianiro commented on Agenda Item No. 6, the 2010 Tax Budget. A copy of the exhibit to be attached to that ordinance was distributed this evening. He expects the budget to be referred to L&F. If anyone has questions, feel free to contact him. The ordinance can receive three readings as long as it is approved before July 15th so they can submit it to the County Auditor before July 20th.

COMMITTEE REPORTS:

Park and Recreation Commission: Mr. Anderson advised a meeting will be held on June 18th.

Mayfield Area Recreation Council (MARC): No report. MARC met on the fourth.

Planning and Zoning Commission: Mr. Pilla reported the action taken in a meeting held June 8, 2009.

- **Sam & Janice LoPiccolo, 857 Rose Boulevard.** A public hearing was held to hear a request for a variance to the front yard setback requirements. Approval was given for a front yard setback to put a deck in the front of her house. The deck will not have any railings and will not be off the ground.

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- **Dean & Antoinette Arezone, 747 Lander Road.** A public hearing was held to hear a request for variances to the driveway requirements. The Commission granted a modified version of the request. They allowed him the normal 3 car garage driveway with a turnaround on Lander.
- **The Home Depot, 6199 Wilson Mills Road.** Renewal of Conditional Use Permit for Exterior Display of Seasonal Plants. They have a seasonal agreement for two years to allow them to have seasonal plants outside in the parking lot and they have to return every two years for approval. The dates were changed from April 1st to September 30th instead of the old dates April 15th to July 31st. P&Z gave approval through 2010.
- **Louis DiSantis & Allan Johnson, 318-A West Legend Court.** Review Request to Install a Deck over Existing Concrete Patio; Schedule Public Hearing.
- **Margaret Iler, 316-B West Legend Court.** Review Request to Install a Deck over Existing Concrete Patio; Schedule Public Hearing
- **Bhagwant & Surindar Singh, 322-B West Legend Court.** Review Request to Install a Deck over Existing Concrete Patio; Schedule Public Hearing
- **Robert & Dorothy Valerian, 318-B West Legend Court.** Review Request to Install a Deck over Existing Concrete Patio; Schedule Public Hearing

Mr. Pilla reported the above four applicants on West Legend Court requested approval to install decks over existing concrete patios that are along the golf course. This has been under discussion for a few weeks. An opinion was requested from Law Director Paluf and was received last night. Five approvals are required. One is Forest City; another is the Tri-Party Agreement; and another is the golf course Home Owners Association. A ruling will not be given until all five approvals are signed. Forest City and Stonewater Golf Course did sign off on it. Because of the 25 foot setback the decks that they are requesting approval for will sit exactly on the existing concrete patio. The only reason they want it raised to the level of their existing house is they are relatively elderly and some have certain health conditions that don't allow walking down stairs.

Mr. Pilla advised that Quodoba will be opened on the 14th of July; the Bistro will be opened on August 1st and Malley's on July 25th.

- **Naya Bistro & Lounge, 6323 Wilson Mills Road.** Final sign approval was granted. No variances were granted.
- **The Shoppes at Alpha Place.** Discussion of Landscape Mound Along East Property Line
- **Vladimir Goldenberg, 5395 West Mill Drive.** Review Request for Variance to Driveway Requirements; Schedule Public Hearing. This was set for public hearing.
- **Darryl Sharnas, 619 Sturbridge Drive.** Review Request for Variance to Fence Requirements; Schedule Public Hearing. Request is for a board on board fence. This was set for public hearing.

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Mrs. Murphy asked, to confirm there is no encroachment for those decks, if the stairs would project into the setback area. Mr. Pilla stated, no, the stairs have to begin at the end of the patio. They will have to tear out pieces of the existing patio so they can put the posts within that. Mrs. Murphy asked if they were anticipating that more home owners will want to do this. Mr. Pilla reported this was discussed. Also, he was concerned about safety because it is at the Tee box. The applicant's argument was that they have a patio there now.

Legislative & Finance Committee: No report. Mr. Lombardo scheduled a meeting for June 16th, at 7:00 P.M. Two items are to be considered -- the Highland Road Pedestrian Project and the 2010 Tax Budget.

Safety & Service Committee: No report.

Commission on Aging: No report.

Drainage Committee: No report. Mrs. Murphy scheduled a meeting for June 23rd at 7:00 p.m.

Home Days Committee: No report.

Economic Development Committee: No report.

Law Director's Report: Law Director Paluf reported he has a draft of legislation for gas well and gas well royalties; a municipal tax. He will provide copies for L&F and the Finance Director to review before placing that on the agenda of Council.

Law Director Paluf is working with Mr. Evans on the Community Center Project.

In response to Mrs. Murphy's inquiry regarding Item No. 13 concerning the City Engineer, Law Director Paluf advised the legislation on the agenda is the document dated 5/12/09. He advised there is another version dated 6/5/09 which contained the amendments recommended by the L&F committee.

Mrs. Murphy stated she has two concerns: First do they have a position of city engineer in the city charter or ordinances. Mr. Paluf stated it is not in the charter but there are many places in the ordinances that refer to the city engineer so they do need to hire an engineer. Mrs. Murphy then asked do they have the authority to do this because they have no position; is this legislation legally sufficient. Law Director stated, yes, he would say so. He added there are so many things that the engineer is needed to sign off on that without appointing an engineer he didn't know what they would do. He stated, yes, he thought it was sufficient.

Mrs. Murphy then stated her second concern is in Section 2 of the legislation of 6/5/09, and asked Mr. Paluf to clarify what is meant by, "Hovancsek and Associates is appointed for the City of Highland Heights until December 31, 2009 or until a successor is appointed". Mr. Paluf stated, "until a successor is appointed" means the appointment could continue until a successor is appointed.

MAYOR'S REPORT: Mayor Coleman reported that the newsletter has been printed and should be delivered by the end of this week. He asked Council to add to the agenda an executive session to discuss labor negotiations and a personnel disciplinary matter.

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Mr. Mills asked if there was any feedback regarding Wal-Mart and Home Depot. Mayor Coleman stated he received direct feedback within the last three weeks from an executive at Wal-Mart that it is not happening; and further, that they are cutting and eliminating projects if anything. That information was received within the last three weeks.

Mrs. Murphy advised in walking the pedestrian path she has seen a lot of residents enjoying the walk. She has also found a lot of litter along the way and asked Mayor Coleman to consider placing a couple trash bins along the pathway. Mayor Coleman asked Service Director Evans to propose some type of trash receptacles.

Mr. Mills asked for discussion in the next committee of the whole with the city engineer along with police and fire about the feasibility of crosswalks on Highland Road.

ITEMS TO BE ADDED TO THE AGENDA:

1. Motion authorizing purchase of 500 recycling bins from Rehig Pacific Company at a cost not to exceed \$3,750.00; from Fund 101.5510.52356.

A motion was made by Mr. Pilla to add the above item to the agenda; seconded by Mr. Legan. Ayes all; motion carried.

2. Motion to adjourn into Executive Session to discuss labor negotiations and personnel disciplinary matters.

A motion was made by Mr. Anderson to add the above item to the agenda; seconded by Mr. Pilla. Ayes all; motion carried.

MEETING OPENED TO THE PUBLIC: No one spoke.

NEW BUSINESS:

MOTION AUTHORIZING PURCHASE OF RECYCLING BINS FROM REHIG PACIFIC CO.: A motion was made by Mr. Pilla authorizing purchase of 18 gallon recycling bins from Rehig Pacific Co. at a cost not to exceed \$3750.00; seconded by Mr. Anderson. Ayes all; motion carried.

READING OF RESOLUTION 22-1977: Council listened to a Reading of Resolution 22-1977, which description is: "A Resolution providing for a procedure to remind Council of the opening of the time capsule in the Year 2076". "Section 1. That the Clerk of Council be and is hereby directed to read the following statement at each Council Meeting held in the month of June in the years following the passage of this resolution, up to and including the year 2076. 'Know all Men By These Presents that the time capsule buried in Highland Heights Community Park by the citizens of Highland Heights, Ohio, to celebrate the United States of America's Bicentennial in 1976 shall be opened by the date of July 4, 2076'".

ADOPTION OF RESOLUTION 28-2009: Council listened to the First Reading in title only of Proposed Resolution 28-2009 which description is: "A Resolution declaring Pat Flowers, Inc. to be the lowest and best bidder for the striping of certain streets within the municipality, authorizing the Mayor to enter into a contract with said bidder not to exceed the sum of Thirty Two Thousand Four Hundred Five Dollars and Seventy Eight Cents (\$32,405.78), rejecting all

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other bids received and declaring an emergency.” Council received a recommendation from the City Engineer to award this contract to Pat Flowers, Inc. Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; motion carried. Mr. Legan moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

ADOPTION OF RESOLUTION 29-2009: Council listened to the First Reading in title only of Proposed Resolution 29-2009 which description is: “A Resolution authorizing the Mayor to make application for funds for the improvement of Miner Road (CR22) in the City of Highland Heights and declaring an emergency.” Mr. Pilla moved to suspend the Second and Third Readings; seconded by Mr. Lombardo. Ayes all; motion carried. Mr. Pilla moved to adopt; seconded by Mr. Anderson. Ayes all; motion carried.

ADOPTION OF RESOLUTION 30-2009: Council listened to the First Reading in title only of Proposed Resolution 30-2009 which description is: “A Resolution declaring the necessity of providing for the payment of street lighting and the improvement or installation of additional lighting by special assessment of all parcels benefited, and declaring an emergency.” Clerk Buchak requested approval this evening to facilitate the public notice procedure. Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Anderson. Ayes all; Motion carried. Mr. Hargate moved to adopt; seconded by Mr. Lombardo. Ayes all; motion carried.

ENACTMENT OF ORDINANCE 11-2009: Council listened to the First Reading in title only of Proposed Ordinance 11-2009 which description is: “An Ordinance partially suspending the rules and regulations regarding the sale and possession of beer and wine at the Municipal Park during Highland Heights Home Days for 2009 and declaring an emergency.” Law Director Paluf recommended approval this evening to facilitate processing of the liquor license. Mr. Lombardo moved to suspend the Second and Third Readings; seconded by Mr. Hargate. Ayes all; motion carried. Mr. Anderson moved to adopt; seconded by Mr. Hargate. Ayes all; motion carried.

FIRST READING PROPOSED ORDINANCE 12-2009: Council listened to the First Reading in title only of Proposed Ordinance 12-2009 which description is: “An Ordinance adopting a Tax Budget for the City of Highland Heights, for the Year 2010 and declaring an emergency.” Council President Mills referred Proposed Ordinance 12-2009 to the L&F Committee for review.

SECOND READING PROPOSED RESOLUTION 23-2009: Council listened to the Second Reading in title only of Proposed Resolution 23-2009 which description is: “A Resolution authorizing the Finance Director to make a payment to Diskcopy, LLC from nontax revenues in the amount of \$2,349.00 pursuant to the Economic Development Grant Agreement dated November 27, 2007, and declaring an emergency.”

SECOND READING PROPOSED RESOLUTION 24-2009: Council listened to the Second Reading in title only of Proposed Resolution 24-2009 which description is: “A Resolution authorizing the Finance Director to make a payment to Philips Medical Systems (Cleveland), Inc. from nontax revenues in the amount of \$20,000 pursuant to the Economic Development Grant Agreement dated November 27, 2007 and declaring an emergency.”

SECOND READING PROPOSED RESOLUTION 25-2009: Council listened to the Second Reading in title only of Proposed Resolution 25-2009 which description is: “A Resolution authorizing the Finance Director to make a payment to Stanley Air Tools from nontax revenues in the amount of \$56,000.00 pursuant to the Economic Development Grant Agreement dated June 28, 2002 and declaring an emergency.”

SECOND READING PROPOSED RESOLUTION 26-2009: Council listened to the Second Reading in title only of Proposed Resolution 26-2009 which description is: “A Resolution

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authorizing the Finance Director to make a payment to Swagelok Company from nontax revenues in the amount of \$250,000.00, pursuant to the Economic Development Grant Agreement dated June 30, 2005, and declaring an emergency.”

SECOND READING PROPOSED RESOLUTION 27-2009: Council listened to the Second Reading in title only of Proposed Resolution 27-2009 which description is: “A Resolution authorizing the Finance Director to make a payment to WLS Stamping Company from nontax revenues in the amount of \$21,737, pursuant to the Economic Development Grant Agreement dated April 11, 2006, and declaring an emergency.”

SECOND READING PROPOSED ORDINANCE 10-2009: Council listened to the Second Reading in title only of Proposed Ordinance 10-1009 which description is: “An Ordinance approving a payment to the Mayfield City School District pursuant to the requirements of Ohio Revised Code Section 5709.82 and in connection with the City's Community Reinvestment Area and Urban Jobs and Enterprise Zone Programs, and declaring an emergency.”

ADOPTION OF RESOLUTION 21-2009: Council listened to the Third Reading in title only of Proposed Resolution 21-2009 which description is: “A Resolution providing for the employment of an engineer for the City of Highland Heights and establishing the compensation of the City Engineer for 2009, repealing all legislation inconsistent herewith and declaring an emergency.” Mr. Lombardo moved to amend consistent with a document dated June 6/5/09; seconded by Mr. Legan.

DISCUSSION ON PROPOSED AMENDMENT TO RESOLUTION 21-2009: Law Director Paluf explained that the document that received second reading is the one dated 5/12/09; a new version this evening, dated 6/5/09 provides the contract runs through 2009 in Section 5 and in Section 2 and also in Section 5 provides that the fees will remain the same through 2010. Mrs. Murphy asked if this appointment ends in 2009 or if it could be extended until a successor is appointed. Mayor Coleman stated his intention for the legislation that he proposed is to memorialize what they had discussed in conversations and that is to lock in the rate of the engineer through 2010. The language on this legislation is no different from what they had in the past with respect “or until a successor is appointed”. Mrs. Murphy stated her confusion goes back to the fact there is no position, no term and it has been done annually.

ROLL CALL ON THE MOTION TO AMEND PROPOSED RESOLUTION 21-2009: Ayes Anderson, Legan, Lombardo; nays Hargate, Mills, Murphy, Pilla. Motion denied.

Mrs. Murphy stated she will not support this legislation based on the concerns she has expressed. They have always engaged the city engineer's services annually for the calendar year and she saw every reason this year to continue that past practice.

Mr. Legan stated he was under the impression that they had agreed through 2010. They met in L&F and came up with these concessions. Mr. Legan stated he was in support of the legislation as it was written originally and he thought they were in agreement in L&F.

Mrs. Murphy stated this legislation is drafted by the Law Director and does not in her mind comply with what L&F requested.

ROLL CALL ON THE MOTION TO ADOPT RESOLUTION 21-2009: Mr. Legan moved to adopt; seconded by Mr. Pilla. Roll call on the motion: Ayes Anderson, Hargate, Legan, Pilla; nays Lombardo, Mills, Murphy. Motion carried.

MOTION TO ADJOURN INTO EXECUTIVE SESSION: A motion was made by Mr. Anderson to adjourn into Executive Session to discuss labor negotiations and personnel discipline matters

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in accordance with Section 4.05 of the Charter of the City of Highland Heights and Section 121.22(g) of the Ohio Revised Code; seconded by Mr. Pilla. Roll call on the motion: Ayes all; motion carried. Council adjourned at 9:05 p.m. and reconvened at 9:25 p.m.

AGENDA FOR 6/16/09 COMMITTEE OF THE WHOLE:

1. Issue I Funding for Miner Road Project
2. Highland Road Water Main
3. Old Pool Building Renovations, including the Topo Study and utilities
4. Vacant Lots – Cutting of Grass
5. Highland Pedestrian Pathway –
 - a. Change Orders
 - b. Feasibility of installing crosswalks

ADJOURNMENT: A motion was made by Mr. Lombardo and seconded by Mr. Anderson to adjourn the meeting. Said meeting adjourned at 9:26 p.m.

Clerk of Council

President of Council